

III. REMARKS

Claims 1, 2, 5-9, 12-16 and 19-21 are pending in this application. Claims 3-4, 10-11 and 17-18 were previously cancelled. Claims 1, 2, 5-9, 12-16 and 19-21 are rejected under 35 USC 103(a) as allegedly being unpatentable over Hertel-Szabadi (US 2003/0236692) (hereinafter referred to as “Hertel”) in view of Bansal et al. (US 2007/0219842) (hereinafter referred to as “Bansal”). Applicant respectfully traverses the 35 USC 103(a) rejections for the reasons provided below.

Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

A. REJECTION OF CLAIMS 1, 2, 5-9, 12-16 and 19-21 UNDER 35 USC 103(a)

In the Office Action, claims 1, 2, 5-9, 12-16 and 19-21 are rejected under 35 USC 103(a) as allegedly being unpatentable over Hertel in view of Bansal.

Claim 1 (and similarly claims 8 and 15), as amended, recite, *inter alia*, “a selection system which, for each role, selects at least one person from the identified subset of people to fulfill the role, wherein the selection system selects a split of the role based on time among people when multiple people are selected for the same role, and wherein a default split splits time equally and an alternate split splits time unequally.” Support for this amendment may be found in the

application - specification at p.6 l.21 – p.7 l.2 and Fig. 2.

The Office cites Hertel at par. 23 lines 1-4 in support of its allegation that Hertel teaches this feature prior to the present amendment. Applicant respectfully submits that Hertel fails to teach the feature recited and, in particular, does not teach the feature recited by amendment.

Hertel states: “Proceeding to block 320, the program manager may now select a resource 120 from all the available resources. Because the filters were used, only qualified, available resources are shown.”

It is clear this citation does not teach “a split of the role based on time” and do not teach “a default split” that “splits time equally” and “an alternate split” that “splits time unequally.”

Hertel fails to teach each and every feature of the claimed invention as amended. Bansal does not cure this deficiency for the reasons cited above. Thus, the claimed invention as amended is patentable over Hertel in view of Bansal. Accordingly, Applicant asserts that the bases for the Office’s rejection have been obviated and respectfully request withdrawal of the rejection.

With respect to the dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

IV. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

/David E. Rook/

Date: November 7, 2008

David E. Rook
Reg. No.: 40,790

Hoffman Warnick LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)